

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7482

BILL NUMBER: HB 1291

NOTE PREPARED: Feb 18, 2011

BILL AMENDED: Feb 17, 2011

SUBJECT: Storm Water Management.

FIRST AUTHOR: Rep. Smith M

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: Local

Summary of Legislation: (Amended) *Municipal Government Liability*- The bill provides that the municipality is not liable for the investigation, assessment, or opinion offered by the city board of works, town council, or designee in connection to storm water nuisances.

Complaints Process- The bill adds a process for dealing with storm water nuisance complaints. The bill provides that the person seeking the removal of a storm water nuisance may file a request with the county surveyor, city board of works, town council, or designee to investigate and make an assessment of the alleged problem.

Fees- The bill allows a local unit to adopt an ordinance to charge a fee for the county surveyor, city board of works, town council, or designee's investigation.

Provide Report & Limitations- The bill requires that the county surveyor, city board of works, town council, or designee to provide an oral or written report pertaining to the assessment and alternative dispute resolution information. The bill make certain limitations in the applicability of the storm water nuisance investigation or assessment.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Municipal administrative time could increase if storm water requests are considered and investigated. The costs to carry out investigations and make reports could be offset by the implementation of fees.

Explanation of Local Revenues: (Revised) A municipality could adopt an ordinance, under the bill, which would allow for the establishment of a fee to pay the appointed authority to handle requests for storm water nuisance complaints. The fee would not be allowed to be greater than would be reasonably necessary to counterbalance the expenses for processing, investigating, making assessments on requests for assistance.

State Agencies Affected:

Local Agencies Affected: City boards of works, county surveyors, or town council.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.